

## **ZBA: Battelle Doesn't Need Special Permit**

By KEITH L. MARTIN

Because of their status as an educational entity, Battelle Memorial Institute will not need a special permit from the town to construct a new, 8,400-square foot building for increased office space and larger conference areas.

That was the decision of the Zoning Board of Appeals who said as much in a letter to Director of Inspectional Services Richard MacDonald last Thursday. MacDonald had sent Battelle to the board seeking a special permit because the proposed structure was much larger than the one it was replacing, making it non-conforming and justifying an appearance before the ZBA.

On January 28, the ZBA held its first public meeting on the project and discussed whether or not it would be exempt from town bylaws for buildings in a residential compatibility district, given its status as both a non-profit organization and an educational company.

During that hearing, Paul Brogna said it was his belief Battelle was before the board because of a change of use in the structures as the old building housed laboratories and the new one would not. MacDonald denied this in an interview with the *Clipper* and said the density of the building was the issue he felt warranted the special permit.

In the letter written to MacDonald on March 25, the ZBA's chairman for the hearing, Elizabeth Lewis, indicated that it was the unanimous decision of the board that a special permit was not required for Battelle's application.

In addition to citing the educational and non-profit nature of Battelle, she also referenced a previous opinion written by Town Counsel Robert Troy regarding a similar permit application by the organization to support their decision.

"In considering this decision, the board recognizes the permitted use by right within the meaning of educational exemption under the bylaw, the unique nature of the applicant's organization and the use of the facility in Duxbury and Town Counsel's opinion on a previous similar application," wrote Lewis.

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**Battelle Memorial Institute will not need a special permit to build this new office/conference building according to the Zoning Board of Appeals.**